IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

. Appeal from Order No. 793 of 2002.

Smt.Aruna Nansi Nishar & Anr.

..Appellants.

Versus.

B.M.C.Greater Bombay.

..Respondent.

S.V., Rajeshwar for the Appellant.
Mrs. Geeta Joglekar for B.M.C.

CORAM:A.M.KHANWILKAR,J.
DATED:18.03.2006

P.C.:-

. Heard.

. Admit.

. Mrs. Geeta Joglekar, Advocate waives service for the respondent.

. This appeal from order, takes exception to the order passed by the City Civil Court, Bombay refusing to grant ad- interim order during the pendency of the Notice of Motion. That order was passed on 28th August,2002. This Court while entertaining the present appeal from order on 9th September, 2002 directed the parties to maintain status-quo with regard to the suit property till further order. That direction operates in favour

of the appellant so far. In other words, respondent Corporation has suffered the said order. The appeal has remained pending for over four years for admission. At this distance of time, in my opinion, instead of going into the various contentions which are raised in this appeal, appropriate course is to direct the trial court to decide the pending notice of motion expeditiously leaving all the questions open, to be decided in this appeal.

. Accordingly, trial Court is directed to dispose of Notice of Motion finally not later than 28th April, 2006. Counsel for the respondent assures that reply affidavit to the Notice of Motion will be filed before the Trial Court within one week from today. Rejoinder affidavit,if any, to the said Reply-affidavit be filed by the Appellant before the Trial Court within one week thereafter. Notice of Motion be listed before the Trial Court on 3rd of April, 2006 irrespective of the date already assigned by the Trial Court in the said Notice of Motion. The Trial Court on that date either may proceed to hear Notice of Motion on the same day or may fix the same for hearing on a

suitable date keeping in mind the directions provided under this order.

Order of status-quo granted by this Court shall continue till the disposal of the said Notice of Motion.

. Appeal is disposed of accordingly.

[A.M.KHANWILKAR]